(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

W.P. NO. 2013 OF 2001.

PETITIONER : Jainendra Kumar Bhoi, S/o Shri K.C. Bhoi, aged about 32 years, R/o Near Jawahar Navodaya Vidyalaya, Vedpada, District-Balgore,(Orrisa).

V E R S U S

RESPONDENTS : 1. Shrimati Ahilyabai Choudhary W/o Shri N.P. Choudhary, aged about 33 years, R/o Kota Ward-2, Raipur, Tehsil & District-Raipur,(C.G.)

2. The Court of Additional Chief Judicial Magistrate, Raipur, Tehsil & District-Raipur,(C.G.)

P.R. No. 1878/01
Presented by Shri Maheshpandey
dated 1/9/01.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUE AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

To,

(24)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. NO 2013 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	01.5.2002 Shri Pandey, counsel for the petitioner. Shri Sanjay K. Agrawal, Dy. A.G. is present in the Court. Heard. By this writ petition filed under Article 226 of the Constitution of India, petitioner prays for quashing the criminal proceedings in a complaint case pending before the A.C.J.M., Raipur on the ground that it is abuse of process of the Court. The Court of Additional Chief Judicial Magistrate, has been joined as party where the matter is pending. Shri Sanjay K. Agrawal, Dy. A.G. submits that the petitioner has not shown any ground and it is not just and proper for the petitioner to join the A.C.J.M. as party respondent where the matter has been taken cognizance and the petitioner has wrongly joined the A.C.J.M. as respondent no.2. It is noted that the parties are casually being joined in the without showing reasonable grounds. Counsel for the petitioner is to be very careful and not repeat such mistakes in future. The name of respondent no.2 be struck of. It is borne out from the record that consequent upon filing of a complaint by respondent no.1 against the petitioner	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक.....**सन्** 200

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

in the Court of A.C.J.M. Raipur on 26.8.1998 the case has been registered and the matter is pending. The complaint itself goes to show that a cheque dt.16.4.1998 for Rs.50,000/- was issued by the applicant in favour of the complainant and on its presentation the cheque was dishonoured on 16.7.1998 on the ground of insufficient funds. Legal notice dated 28.7.1998 was sent to the petitioner and the said notice was replied on 05.9.1998. Counsel for the petitioner submitted that the court below was not justified in entertaining the complaint and it is the abuse of process of the court.

Complaint has been filed by respondent no.1 in accordance with the provisions of law and the same has been entertained by the competent Court. The complainant ~~has~~ may have certain defences. The matter is thus being considered and decided. Since the matter is pending before the competent court, . in the opinion of this Court any finding recorded by this Court may prejudice the cause of the rival parties as such under the facts and circumstances of the case, no case is made out for issuance of any order or direction by this Court in exercise of its writ jurisdiction, at this stage.

However, the trial Court shall proceed strictly in accordance with law.

GRPRJ—F /200(—50,000.

(26)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 3013/2001 **सन्** 200

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
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